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FEB 22 1999

NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS

STATE OF NEW JERSEY
DIVISION OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF CHIROPRACTIC EXAMINERS

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

RICHARD FINDER, D.C.,
License No. 2043

LICENSED TO PRACTICE CHIROPRACTIC
IN THE STATE OF NEW JERSEY

ORIGINAL
Administrative Action

ORDER

CAME ON TO BE HEARD Respondent's Motion to allow Richard A. Jaffe, Esq. to appear pro hac vice as co-counsel to Respondent, Dr. Richard Finder. The Board notes that the Attorney General's office has not objected to this Motion, and

IT IS HEREBY ORDERED that the Motion is GRANTED and Mr. Jaffe may appear pro hac vice.

Ed. Jaffe, Esq. D.C.

FILED

APR 22 1999

NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS

STATE BOARD OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF CHIROPRACTIC EXAMINERS

ORIGINAL

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

RICHARD FINDER, D.C.

LICENSED TO PRACTICE CHIROPRACTIC
IN THE STATE OF NEW JERSEY

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: Administrative Action
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: FINAL DECISION AND ORDER
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This matter was opened to the New Jersey State Board of Chiropractic Examiners ("Board") upon the filing of an administrative complaint, on December 29, 1998, by Peter Verniero, Attorney General of New Jersey, by Douglas J. Harper, Deputy Attorney General. This complaint sought the imposition of disciplinary sanctions by the Board against Richard Finder, D.C., as a result of his conviction on November 5, 1998, via pleas of guilt, in the Superior Court of New Jersey, Law Division - Criminal Part, Bergen County, on one count of theft by deception, one count of attempted theft by deception and one count of falsifying or tampering with records.

By way of his guilty pleas, Dr. Finder admitted that he submitted fraudulent insurance claims to eleven (11) insurance carriers for chiropractic services which created the false impressions that: 1) treatments were given to certain patients specified dates; 2) certain treatments were provided for automobile accidents related injuries; 3) one particular patient

had no insurance coverage; and 4) treatments were given to patients identified on certain insurance claim forms. Additionally, Dr. Finder admitted that: 1) he billed two (2) insurance carriers simultaneously for the same amount without disclosing the simultaneous billings; and 2) he submitted 79 health insurance claims to a carrier indicating on said claims that the treatment provided one patient was for conditions unrelated to an automobile accident when in fact the treatments arose from such an accident. Subsequently, on January 8, 1999, pursuant to the plea agreement reached between the State of New Jersey and the respondent, Dr. Finder was sentenced to: 1) three (3) years probation; 2) restitution, in the amount of \$18,511.00, via a Consent Judgment entered in the name of the State for the benefit of nine (9) insurance carriers and benefit plans; 3) a civil penalty, in the amount of \$20,000.00, via a Consent Judgment, in favor of the New Jersey Department of Banking and Insurance; and 4) costs and fines.

The administrative complaint filed by the Attorney General maintained that the respondent's criminal convictions could form the basis for disciplinary sanctions by the Board because Dr. Finder's admission that he fraudulently obtained monies from insurance companies by his billing practices constituted the use or employment of dishonesty, fraud, deception, misrepresentation on his part as outlined in N.J.S.A. 45:1-21 (b); that the doctor's convictions of theft by deception and attempted theft by deception constituted professional misconduct within the meaning of N.J.S.A. 45:1-21 (e); and that said convictions constituted crimes involving

moral turpitude, as well as crimes that relate adversely to the profession of chiropractic, pursuant to N.J.S.A. 45:1-21(f).

Dr. Finder filed an answer to the complaint on or about January 8, 1999. In said answer, the respondent did not contest that he entered into a plea agreement with the State of New Jersey in the criminal actions. He waived his right to an administrative hearing as to the factual allegations contained in the complaint and requested a hearing primarily for the purpose of presenting evidence in mitigation of a penalty. Accordingly, a hearing was held on February 25, 1999, before the Board. Deputy Attorney General Douglas J. Harper appeared on behalf of the Attorney General and Richard A. Jaffe, Esquire, admitted pro hac vice, appeared for the respondent.

The following documents were accepted and entered into evidence by the Board:

- S-1 The appendix attached to the Attorney General's February 17, 1999, brief in support of its complaint for revocation of the respondent's license;
- S-2 Transcript of an Investigative Inquiry of Richard Finder, D.C., dated September 9, 1993; and
- R-1 Respondent's submission in support of mitigation filed on or about February 22, 1999, consisting of numerous character statements in support of the respondent.

Following the marking of the exhibits, the Board accepted the verbal stipulation of the parties that Dr. Finder admitted to the factual allegations set forth in the Attorney General's administrative complaint. Therefore, Dr. Finder admitted that on

or about April 15, 1998, he had been indicted, by the State of New Jersey, charging him with theft by deception in the submission of insurance claims to eleven (11) insurance carriers, or payors of claims, for chiropractic services for which he received a total amount of \$22,254.00; and that on November 5, 1998, he pled guilty to said Indictment thereby admitting that he had received monies by utilizing the following fraudulent billing methods: seven (7) instances of "no show" claims, in which he submitted claims for which no chiropractic services were provided, totaling \$6,908.00; two (2) instances in which he submitted claims for which no services were provided and which predated the commencement of the actual treatment following an injury to a patient, conduct referred to as "back billing, in the amount of \$4,204.00; the submission of two (2) claims for different patients, where said claims were submitted under false names, totaling \$2,982.00; and four (4) instances of "double billing," in which he submitted claims for the same services to two different insurance carriers without disclosing the alternative submissions.

Moreover, Dr. Finder further admitted to the factual allegations set forth in the Attorney General's complaint relative to the criminal charges contained in the Accusation. Specifically, the doctor conceded that he attempted to obtain monies, totaling approximately \$5,300.00, from the Market Transition Facility of New Jersey and the New Jersey State Health Benefits Program by creating and reinforcing the false impression that he had billed only one of said payors of claims for treatments given to patient Theodore

Tufano during June 17, 1992 and February 24, 1993. Finally, the respondent admitted that he falsified or tampered with records and/or claims submitted to the New Jersey State Health Benefits Program which indicated that patient Theodore Tufano was being treated for conditions unrelated to an automobile accident, when in fact, the claims included a service related to treatment arising from such an accident.

Dr. Finder also stipulated that he entered a guilty plea to both the Indictment and Accusation on or about November 5, 1998, from which a Judgment of Conviction was entered against him and that he was sentenced to three years probation, restitution totaling \$18,511.00, a civil penalty in the amount of \$20,000.00 and costs and fines. It was further stipulated by the respondent that the crimes for which he was convicted involve the use or employment of dishonesty, fraud, deception, misrepresentation on his part within the meaning of N.J.S.A. 45:1-21 (b) and that his convictions of theft by deception and attempted theft by deception constitute professional misconduct within the meaning of N.J.S.A. 45:1-21 (e) subjecting him to discipline by the Board. Finally, Dr. Finder conceded that his convictions constituted crimes involving moral turpitude and crimes relating adversely to the chiropractic profession within the meaning of N.J.S.A. 45:1-21(f) also subjecting him to regulatory discipline. Accordingly, the Board accepted the aforementioned stipulations as findings of fact and conclusions of law and moved into the mitigation of penalty portion of the hearing.

Dr. Finder testified before the Board in his own behalf. He informed the Board that he is married and has two young children, ages 8 and 4. He graduated from Palmer Chiropractic College in 1980 and commenced his private practice in Fort Lee in 1981, subsequent to his February 1981 licensure, in the chiropractic profession. The respondent also maintains a current and active chiropractic license in the State of New York. Dr. Finder contended that he had an uneventful career of treating patients until March 1989 when his first child was born with Down's Syndrome and severe heart deformities. After several hospitalizations and surgeries, his young son died on November 6, 1989. This unfortunate experience caused, according to his testimony, Dr. Finder's absence from his chiropractic office which resulted in his inability to efficiently manage, control and maintain his practice.

The respondent further advised the Board that twenty days later, on November 26, 1989, he was diagnosed with a malignant tumor in his arm which was removed in January 1990. Moreover, Dr. Finder's long-time office manager had health problems which resulted in her absence from the practice. In January 1990, Dr. Finder's wife became pregnant again and had a difficult pregnancy which required six months of bed rest. This also added to his extended periods of absence from his chiropractic office. The doctor testified that during this time period, he was unable to control and manage his practice. He had covering doctors and staff

personnel and he did not control the paperwork, including the insurance claims, that emanated from his office.

Dr. Finder, however, candidly admitted to the Board that he did engage in acts of insurance fraud. He informed the Board that he entered into two Consent Agreements with the Department of Insurance, Insurance Fraud Division, on February 19, 1992, and March 5, 1991, respectively. These documents are both set forth in S-1. These agreements alleged that Dr. Finder may have violated the provisions of N.J.S.A. 17:33A-4. While he neither admitted or denied the alleged violations in the Consent Agreements, the respondent consented to and paid a civil penalty totaling \$10,000.00, the sum of \$5,000.00 per agreement.

The doctor also testified that, contrary to the information contained in the submitted claims and records, his patient Theodore Tufano was treated in his office for injuries sustained in an automobile accident. Dr. Finder billed the Market Transition Facility ("MTF") for his services and was paid by this entity for certain claims. Later, according to the respondent, the MTF ceased communicating with him and failed to satisfy his submitted claims for over a year. Thereafter, he billed the patient's major medical carrier, the New Jersey State Health Benefits Program, for the services he rendered without disclosing the prior billing to the MTF and created the false impression that he only billed the MTF for said services. The doctor, while acknowledging this misconduct, maintained that he did not receive duplicate payments for the same services.

Moreover, Dr. Finder admitted to the Board that he fraudulently submitted billings to insurance companies utilizing false names. For example, he billed services he provided to a divorced wife to the ex-husband's insurance carrier and billed the insurance carrier of one of his patients for chiropractic treatment rendered to the patient's mother who did not have any insurance coverage. Again while acknowledging his criminal misconduct, Dr. Finder testified that at the time he, in a misguided sense, believed he was assisting his patients in receiving chiropractic care they could not otherwise afford.

In summary, the doctor maintained that during the operative time period of 1989 to 1994, he was not in control of his office and/or the billing procedures or its operations due to the tragic family crises in his life. As a result, Dr. Finder contended that mistakes were made, due to his periods of absence from the practice, as well as the constant turnover of staff and covering chiropractors. The doctor further maintained that the lengthy investigation into this matter and criminal actions have taken a toll on his health and family. He informed the Board that, in addition to the terms and conditions of his criminal sentence, he has an outstanding Internal Revenue Service ("IRS") tax lien totaling over \$150,000.00 against him. Dr. Finder stated that he has no savings, college funds, no equity in his house and automobiles and no other assets. In light of all of these circumstances, Dr. Finder requested the Board consider and impose less onerous penalties, other than revocation or suspension,

maintaining that the loss of his chiropractic license was too harsh a penalty to pay given his position that he has paid dearly for his mistakes.

On cross examination, the amount of monies he received fraudulently and the deceptive methods utilized were highlighted. He again admitted that his fraudulent and criminal conduct consisted of: billing carriers for services that were not provided as a result of a patient not appearing for a scheduled visit; billing for services which were not provided and which were, in fact, billed for dates prior to the commencement of the patient's treatment; submitting claims in which he used a false name for an individual for whom services were provided; and submitting claims for the same services to alternative carriers. Dr. Finder also clarified that the amount due the IRS was \$126,332.00 and, with interest and penalties, the lien totaled \$156,971.76.

Additionally, on cross-examination, the doctor indicated that he had appeared before the Preliminary Investigative Committee of the Board on September 9, 1993, in order to answer questions concerning his conduct in the care and treatment of a patient who was the subject of one of the Consent Orders and involved in the criminal Indictment. Dr. Finder conceded that shortly after entering into the Consent Agreements with the Insurance Fraud Division of the Department of Insurance in March 1991 and February 1992, which alleged fraud on his part, he engaged in insurance fraud by submitting the fraudulent claims that served as the basis for the criminal matter.

The second witness presented by the respondent was Joan Martinek, Dr. Finder's Office manager. She explained that she joined the doctor's office staff in October 1982 and left in January 1991 in order to start her own business. Beginning in or about July 1990, Ms. Martinek testified that she was in and out of the hospital, as a result of a kidney operation, which resulted in her absence from the practice. She was out of Dr. Finder's employ for approximately three (3) years, returned to the office in March 1994 and is presently employed by the doctor as his Office Manager. Mrs. Martinek substantiated the doctor's testimony concerning the mismanagement of the office during the period that she was absent and no longer employed there. She testified that Dr. Finder is not a businessman and that there have been no clerical or billing problems in the management of the office since her return in 1994. Mrs. Martinek maintained that Dr. Finder is well respected in the community and active in said community as well, by providing school scoliosis screenings.

Finally, Dr. Finder presented the testimony of Karen Lathen Sabur, a patient of the doctor, as a character witness. She informed the Board that she has known the respondent for approximately fifteen (15) years, commencing treatment with him since 1983. During that time, she found him to be, among other attributes, a very caring, sensitive, loyal, empathetic and friendly doctor. As an example of his generosity, she noted that following her divorce and adjustment to being a single parent, Dr. Finder treated her at no charge.

In his closing argument to the Board, Mr. Jaffe acknowledged that Dr. Finder had erred and engaged in acts which constituted insurance fraud. He contended that the doctor was remorseful for his conduct. He further noted that there has been a period of five years, since 1994, from the doctor's last acts of improper or criminal behavior. Moreover Mr. Jaffe encouraged the Board to mete out discipline to his client that is punitive in nature and conveys a message to the public, including other licensees, that said conduct will not be tolerated. However, Mr. Jaffe argued that said punishment should not be so severe as to ruin Dr. Finder's life and career requesting that the Board provide the respondent with a second opportunity to redeem himself in the field of chiropractic.

The Deputy Attorney General emphasized that Dr. Finder, via his criminal conduct, had stolen \$22,254.00 over an extended period of time, namely September 1991 to April 1994. He also highlighted the fact that the doctor's conduct was not an aberration or isolated event. Rather, the Deputy Attorney General advised the Board that the evidence demonstrated that Dr. Finder had employed five distinct types of fraud for a lengthy period. Additionally, he reminded the Board that the respondent had engaged in the violative conduct shortly after entering into, and satisfying the requirements of, two Consent Agreements with the Division of Insurance Fraud. Hence, he argued that Dr. Finder had already been provided an opportunity to comport to the statutes and regulations governing the practice of chiropractic in this State

and had chosen voluntarily to violate said authorities and engage in the fraud. He also highlighted to the Board that the very nature of the crimes to which Dr. Finder pled guilty required deceitful intent and, hence, involved crimes of moral turpitude. Finally, the Deputy Attorney General urged the Board to send a message to the public and its licensees that acts of substantial insurance fraud will result in licensure revocation.

The Board conducted its deliberations of the record before it in Executive Session on February 25, 1999, and announced its decision in Public Session on the same date. This Order memorializes in writing the Board's determination. The Board concludes that the Attorney General has shown the convictions form a sufficient basis for the imposition of disciplinary sanctions. Specifically, the Board finds that the crimes of theft by deception and attempted theft by deception for which Dr. Finder was convicted on November 5, 1998, are crimes of moral turpitude and crimes that relate adversely to the chiropractic profession pursuant to N.J.S.A. 45:1-21(f). Additionally, the Board finds that the conduct underlying these crimes constitutes professional misconduct in violation of N.J.S.A. 45:1-21(e). The Board further concludes that the respondent's fraudulent billing practices constitute the use or employment of dishonesty, fraud, deception, misrepresentation on his part and thus violates N.J.S.A. 45:1-21(b).

In its consideration of this matter, the Board must consider the respondent's admitted violations of the laws of this

State whereby he received monies from insurance companies by utilizing several fraudulent methods in his billing practices. The doctor's theft was considerable, totaling over \$22,000.00 over a period of approximately a year and a half through his fraudulent acts. Additionally, the Board recognizes that Dr. Finder's thievery was not a limited or isolated incident but consisted of the submission of numerous false claims throughout the fraudulent period.

In determining the measure of discipline which it should impose, the Board also considered the numerous recommendations and endorsements Dr. Finder received from patients and friends who provided letters in his behalf. These expressions of praise, which were submitted into evidence, revealed that the respondent is capable of being a caring, attentive, effective and loyal family practitioner. The Board also considered the testimony of one of Dr. Finder's patients who appeared before it on behalf of the respondent, after having had surgery less than a week earlier, in his support. Moreover, the Board recognizes the serious personal losses and difficulties the respondent suffered during the years he engaged in the deceitful conduct as well as the difficulties resulting from the criminal investigation and conviction. Finally, the Board is cognizant of the large financial penalties that Dr. Finder must satisfy.

Therefore, in accordance with the Board's findings herein and for other good cause shown,

IT IS ON THIS 22nd DAY OF APRIL 1999,

HEREBY ORDERED THAT:

1. The license of Richard Finder, D.C., to practice chiropractic in the State of New Jersey shall be and is hereby suspended for a total of three (3) years. Six (6) months of this suspension shall be active and shall commence thirty (30) days from receipt of this Order by the respondent. The remaining period of suspension shall be stayed and shall constitute a probationary period. Dr. Finder shall derive no financial remuneration directly or indirectly related to patient fees paid for chiropractic services rendered by other licensees for patients of his practice while his license is suspended. Additionally, Dr. Finder shall not be permitted to enter upon the premises of the chiropractic facility or provide any consultation to other licensees rendering treatment to patients of the respondent or sign or submit insurance claim forms for treatment rendered during the period of active suspension or render other administrative or supervisory duties during the period of active suspension.

2. Dr. Finder shall take and successfully complete the ProBE Ethics Course within the six month period of active suspension. Proof of the successful completion of this course must be furnished to the Board within fourteen (14) days of the completion of said course.

3. The respondent is hereby assessed the cost to the State in this matter in the amount of \$837.67. Said costs shall be submitted by certified check or money order made payable to the

State of New Jersey and submitted to the Board of Chiropractic Examiners no later than thirty (30) days following the entry date of this Order.

4. Dr. Finder shall comply with all of the terms of his sentencing imposed upon him by the Superior Court of New Jersey, Criminal Part - Bergen County, on January 8, 1999, as a result of his criminal convictions. He is hereby ordered to submit to the Board office written reports from the Probation Department, beginning June 1, 1999, quarterly advising the Board as to his compliance or lack thereof to the terms of the criminal sentence. Failure on his part to satisfy any of the provisions of his sentence shall be considered a violation of the terms of this Order and could subject the respondent, following a hearing on this matter by the Board, to additional discipline.

5. Dr. Finder may petition the Board for reinstatement of his license no sooner than December 1, 1999. A personal appearance before the State Board of Chiropractic Examiners shall be required at which time the burden will be on Dr. Finder to prove that he has complied with the Board's requirements as well as the obligations imposed by the Superior Court of New Jersey, Criminal Part, as a result of his criminal convictions, as well as demonstrate that he is morally fit and professionally qualified to resume the responsibilities of a chiropractor.

6. Upon his resumption to active practice, random and unannounced audits of the respondent's patient records and billing records may be conducted by the Board's designees at the Board's

discretion and at the expense of the respondent for the entire probationary period. Upon demand by the Board, Dr. Finder shall immediately make available all records necessary to conduct the audit as determined by the Board or its designees. The cost of the audit shall be based upon the standard hourly rate for the Board's investigators prevailing at the time of the audit and shall be due and payable within thirty (30) days of the respondent's receipt of a statement of such costs from the executive Director of the Board.

7. The respondent shall cease and desist from any and all misrepresentation, fraud, deception or any other unlawful act in the connection with the submission of insurance claims on behalf of patients in any manner whatsoever, including, but not limited to: claims for reimbursement for services which were not performed; services which were not provided and which predated the commencement of the actual treatment following an injury to a patient; claims submitted under false names; claims for the same services to two different insurance carriers without disclosing the alternative submissions and falsifying or tampering with records and/or claims submitted to insurance companies.

STATE BOARD OF CHIROPRACTIC
EXAMINERS

By:

E. Cianciulli D.C. MS
Eugene Cianciulli, D.C.
President

DAVID SAMSON
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**NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS**

ORIGINAL

By: Douglas J. Harper,
Deputy Attorney General
(973) 648-4741

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF CHIROPRACTIC EXAMINERS

IN THE MATTER OF THE
SUSPENSION OR REVOCATION
OF THE LICENSE ISSUED TO


RICHARD FINDER, D.C.
LIC. NO. MC-002043

TO PRACTICE CHIROPRACTIC
IN THE STATE OF NEW JERSEY

FINAL ORDER

This matter was opened to the Board upon the Attorney General's filing of a verified complaint on April 28, 2002. Said complaint alleged that Richard Finder, D.C., following the entry of a disciplinary order on April 22, 1999, which, among other things, imposed an active suspension of licensure for a six-month period, violated said order during the period of license suspension by: (1) being on his office premises on various dates; (2) engaging in the practice of chiropractic on two occasions; (3) performing various practice-related administrative functions; and (4) deriving substantial financial remuneration from fees paid for chiropractic

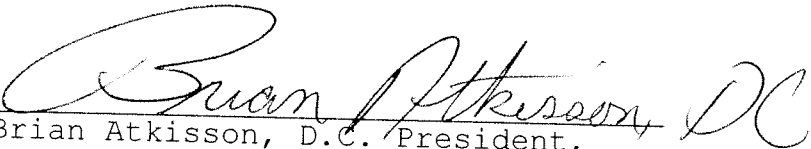
services. The Attorney General's complaint further alleged that Richard Finder, D.C.: (1) engaged in activities that violated N.J.S.A. 45:1-21(b) and (e) in the submission of claims to insurance carriers and in disclosing information to his disability insurance carrier; and (2) failed to cooperate and improperly communicated with Enforcement Bureau investigators in the course of a Board related investigation in violation of N.J.S.A. 45:1-21(e), (h) and N.J.A.C. 13:45C-1.2 and 1.3. Dr. Finder has reviewed the April 28, 2002 complaint and does not contest any of the factual or legal allegations contained therein. He hereby waives any right to a hearing in the matter and consents to the entry of this order. The Board having reviewed this matter and finding that the entry hereof is in the public interest

IT IS on this 5th day of December, ~~2000~~ 2002
ORDERED: 

1. That the license issued to Richard Finder, D.C. shall be and hereby is revoked effective forty-five (45) days following the date of entry of this order, it being the intent hereof that during the forty-five (45) day period, Dr. Finder shall take such steps as may be necessary and appropriate to ensure that his patients receive appropriate referrals or transitional chiropractic treatment incidental thereto. During this period, Richard Finder, D.C. shall not provide chiropractic

diagnosis, treatment or any other chiropractic services to any individual who was not actively receiving such services as a patient of Richard Finder, D.C. within the thirty (30) day period prior to the entry hereof.

2. Richard Finder, D.C. shall pay to the State of New Jersey, Board of Chiropractic Examiners a civil penalty in the amount of \$50,000. Upon failure to pay said civil penalty within ten (10) days following entry hereof, the Board, pursuant to N.J.S.A. 45:1-24, shall have leave to file a Certificate of Debt with the Clerk of the Superior Court and thereafter may exercise all rights of a judgment creditor in relation to any monies due and payable pursuant to this order.
3. Richard Finder, D.C. shall comply with the directives applicable to licensees whose licenses have been revoked, a copy of which is attached hereto and made a part hereof.


Brian Atkisson, D.C. President,
State Board of Chiropractic Examiners


I have read and I understand
the terms and conditions of
this order. I hereby give
my consent to the Board for
its entry.


Richard Finder, D.C.

Dated: 11/25/02, 2002

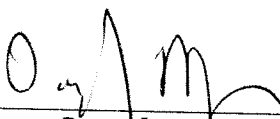
Consented as to form

DeCotis, Fitzpatrick, Gluck & Cole
Attorneys for Richard Finder, D.C.


by: William R. Lundsten, Esq.

Consented as to form and entry

David Samson
Attorney General
Attorney for the State Board
of Chiropractic Examiners


by: Douglas J. Harper
Deputy Attorney General

**DIRECTIVES APPLICABLE TO ANY CHIROPRACTIC BOARD LICENSEE
WHO IS SUSPENDED, REVOKED OR WHOSE SURRENDER OF LICENSURE
HAS BEEN ACCEPTED**

A practitioner whose license is suspended or revoked or whose surrender of license with or without prejudice has been accepted by the Board, shall conduct him/herself as follows:

1. Document Return and Agency Notification

The licensee shall promptly deliver to the Board office at 124 Halsey Street, 6th floor, Newark, New Jersey 07102, the original license and current biennial registration certificate. With respect to suspensions of a finite term, at the conclusion of the term, the licensee may contact the Board office for the return of the documents previously surrendered to the Board.

2. Practice Cessation

The licensee shall cease and desist from engaging in the practice of chiropractic in this State. This prohibition not only bars a licensee from rendering professional services, but also from providing an opinion as to professional practice or its application, or representing him/herself as being eligible to practice. Although the licensee need not affirmatively advise patients or others of the revocation, suspension or surrender, the licensee must truthfully disclose his/her licensure status in response to inquiry. The disciplined licensee is also prohibited from occupying, sharing or using office space in which another licensee provides health care services. The disciplined licensee may contract for, accept payment from another licensee for or rent at fair market value office premises and/or equipment. In no case may the disciplined licensee authorize, allow or condone the use of his/her provider number by the practice or any other licensee or health care provider. In situations where the licensee has been suspended for less than one year, the licensee may accept payment from another professional who is using his/her office during the period that the licensee is suspended, for the payment of salaries for office staff employed at the time of the Board action.

A licensee whose license has been revoked, suspended for one (1) year or more or permanently surrendered must remove signs and take affirmative action to stop advertisements by which his eligibility to practice is represented. The licensee must also take steps to remove his/her name from professional listings, telephone directories,

professional stationery, or billings. If the licensee's name is utilized in a group practice title, it shall be deleted.

3. Practice Income Prohibitions/Divestiture of Equity Interest in Professional Service Corporations

A licensee shall not charge, receive or share in any fee for professional services rendered by him/herself or others while barred from engaging in the professional practice. The licensee may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of the Board action.

A licensee who is a shareholder in a professional service corporation organized to engage in the professional practice, whose license is revoked, surrendered or suspended for a term of one (1) year or more shall be deemed to be disqualified from the practice within the meaning of the Professional Service Corporation Act. (N.J.S.A. 14A:17-11). A disqualified licensee shall divest him/herself of all financial interest in the professional service corporation pursuant to N.J.S.A. 14A:17-13(c). Such divestiture shall occur within 90 days following the disqualification to own shares in the corporation. Upon divestiture, a licensee shall forward to the Board a copy of documentation forwarded to the Secretary of State, Commercial Reporting Division, demonstrating that the interest has been terminated. If the licensee is the sole shareholder in a professional service corporation, the corporation must be dissolved within 90 days of the licensee's disqualification.

4. Patient Records

If, as a result of the Board's action, a practice is closed or transferred to another location, the licensee shall ensure that during the three (3) month period following the effective date of the disciplinary order, a message will be delivered to patients calling the former office premises, advising where records may be obtained. The message should inform patients of the names and telephone numbers of the licensee (or his/her attorney) assuming custody of the records. The same information shall also be disseminated by means of a notice to be published at least once per month for three (3) months in a newspaper of general circulation in the geographic vicinity in which the practice was conducted. At the end of the three month period, the licensee shall file with the Board the name and telephone number of the contact person who will have access to medical records of former patients. Any change in that individual or his/her telephone number shall be promptly reported to the Board. When a patient or his/her representative requests a copy of his/her medical record or asks that that record be forwarded to another health care provider, the licensee shall promptly provide the record without charge to the patient.

5. Probation/Monitoring Conditions

A disciplined practitioner whose active suspension of license has been stayed in full or in part, conditioned upon compliance with a probation or monitoring program, shall fully cooperate with the Board or its designated representatives, including the Enforcement Bureau of the Division of Consumer Affairs, in ongoing monitoring of the licensee's status and practice. Such monitoring shall be at the expense of the disciplined practitioner.

(a.) Monitoring of practice conditions may include, but is not limited to, inspection of professional premises and equipment, and inspection and copying of patient records (confidentiality of patient identity shall be protected by the Board) to verify compliance with Board Order and accepted standards of practice.

(b.) Monitoring of status conditions for an impaired practitioner may include, but is not limited to, practitioner cooperation in providing releases permitting unrestricted access to records and other information to the extent permitted by law from any treatment facility, other treating practitioner, support group or other individual or facility involved in the education, treatment, monitoring or oversight of the practitioner, or maintained by the rehabilitation program for impaired practitioners. If bodily substance monitoring has been ordered, the practitioner shall fully cooperate by responding to a demand for breath, blood, urine or other sample in a timely manner and by providing the designated sample.

**NOTICE OF REPORTING PRACTICES OF BOARD
REGARDING DISCIPLINARY ACTIONS**

Pursuant to N.J.S.A. 52:14B-3(3), all orders of the New Jersey State Board of Chiropractic Examiners are available for public inspection. Should any inquiry be made concerning the status of a licensee, the inquirer will be informed of the existence of the order and a copy will be provided if requested. All evidentiary hearings, proceedings on motions or other applications which are conducted as public hearings and the record thereof, including the transcript and documents marked in evidence, are available for public inspection upon request.

Pursuant to Public Law 101-191, the Health Insurance Portability and Accountability Act, the Board is obligated to report to the Healthcare Integrity and Protection Data Bank any adverse action relating to a chiropractor:

- (1) Which revokes or suspends (or otherwise restricts) a license; or
- (2) Which censures, reprimands or places on probation, or restricts the right to apply or renew a license; or
- (3) Under which a license is surrendered.

In accordance with an agreement with the Federation of Chiropractic Licensing Boards of the United States, a report of all disciplinary orders is provided to that organization on a monthly basis.

Within the month following entry of an order, a summary of the order may appear on the public agenda for the monthly Board meeting and is forwarded to those members of the public requesting a copy. In addition, the same summary will appear in the minutes of that Board meeting, which are also made available to those requesting a copy.

On a periodic basis the Board disseminates to its licensees a newsletter which includes a brief description of all of the orders entered by the Board.

From time to time, the Press Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

Nothing herein is intended in any way to limit the Board, the Division or the Attorney General from disclosing any public document.

PUBLIC RECORD